

REMARKS

Claims 1-28 and 30-32 are pending in the present application. Claim 29 has been cancelled. Claims 1-32 have been rejected. Claims 1, 17, 20, 21, 28 and 32 are independent claims. Claims 6, 20-23, 16, 28 and 32 have been amended. Applicant submits that all of the presently pending claims are in condition for allowance.

Claim Rejections – 35 USC § 101

The Examiner stated that claim 20 is rejected under 35 U.S.C. §101 since the claims are directed to non-statutory subject matter. Applicant has amended claim 20 to recite a “non-transitory computer readable storage medium” and a “processor,” as tangible subject matter that is in compliance with 35 U.S.C. §101. Withdrawal of the rejection is kindly requested.

Claim Objections

The Examiner stated that claims 6, 16, 22 and 23 are objected to because of the following informalities:

- a) On line 1 of claim 6, replace “4” with -5- after “claim” (since “call process message” is defined in claim 5 not in claim 4);
- b) On line 1 of claim 16, replace “1” with -5- after “claim” (since “the optional backward call” is defined in claim 5 not in claim 1);
- c) On line 1 of claim 22, insert –personal ring back tone- before “module”;
- d) On line 1 of claim 23, insert –personal right back tone- before “module”.

Applicant has amended claims 6, 22 and 23 to correct those informalities. However, Applicant notes the Examiner's objection with regard to claim 16 is incorrect. Claim 1 does provide antecedent basis for the features recited in claim 16. Withdrawal of all outstanding objections is kindly requested.

Claim Rejections – 35 USC § 102

The Examiner stated that claims 1-3, 7-15, 28, 30 and 31 are rejected under 35 U.S.C. §102(e) as being anticipated by Beauford (US Patent Application Pub. # 20050094796). This rejection is respectfully traversed.

The present application is directed to providing a personal ring back tone or personalized connection tone functionality that permits a wireless customer to program custom ringing announcements or sounds to be heard by a calling party. The person who calls the wireless customer would hear the tone that the wireless customer intended them to hear instead of the tone that would normally be heard.

Each of the pending independent claims recites, in part, an "optional backward call indicator parameter", which may be part of the address complete message. The "optional backward call indicator parameter" may also be used to provide a ring back tone. Paragraphs [0029] and [0030] of the corresponding published application U.S. 2007/0218877 discloses various details regarding the functionality of the optional backward call indicator (see below).

[0029] Various requirements for the MSC 24 may exist. For example, ISUP support for **Optional Backward Call Indicators** within the ACM will probably be necessary. To support the personalized ring back tone feature, the personalized ring back tone platform 12 should use ISUP to force a voice path open through the network from the platform 12 call leg to a calling

party. This will be accomplished using the ISUP optional parameter '**Optional Backward Call Indicators**' which is contained in the ACM the personalized ring back tone platform 12 returns to the MSC 24 for that call leg. **The Optional Backward Call Indicators parameter** includes an Inband Information Indicator (with an available Bit A=1 indicating Inband Information or an appropriate pattern) and a User-Network Interaction Indicator (with an available Bit H=1 indicating a cut through in both directions when user network interaction occurs). Due to differences in an MSC implementation, the personalized ring back tone platform 12 may be required to send bit A=1 and/or bit H=1. Therefore, in accordance with the present invention, this selection is preferably configurable within the platform 12.

[0030] ...Therefore, in accordance with the present invention, this selection is preferably configurable within the platform 12. **The Optional Backward Call Indicator** includes at least one of: an element header, an in-band information indicator=1, a call forward may occur indicator, a simple segmentation indicator, a network excessive delay indicator, a user-network interaction indicator=1, a MLPP user indicator, spare bits, or reserved bits.

As indicated above, the optional backward call indicator includes information that supports the personalized ring back tone. The personalized ring back tone platform 12 may use ISUP signaling (optional backward call indicator) to force a voice path open through the network from the platform 12 call leg to a calling party.

Beauford fails to disclose the features recited in the pending claims. Beauford is directed to a call device that sets a call category for a call to indicate that the call terminates at an announcement server prior to connection with a called communication device. Upon receipt of an answer message from the announcement server component, the call control component drops the answer message based on the call category.

The Examiner relied on paragraph [0032] of Beauford as allegedly disclosing “an optional backward call indicator”, as recited in each of the pending claims. Applicant disagrees and submits that paragraph [0032] discloses

[0032] Upon receipt of the tone request message 208, the data server 108 sends a tone response message 210 to the IP 106. The tone response message 210 indicates a customized tone or announcement to be played by the IP 106 to the calling communication device 110. Upon receipt of the tone response message 210, the IP 106 sends an address completion message ("ACM") 212 to the O-MSC 106. The ACM 212 provides voice path cut-thru to the calling communication device 10.

As indicated above, paragraph [0032] discloses a tone request and response message being transferred in response to the request. The response message includes a particular tone to be played to the calling communication device. When the tone response message is received, device 106 sends an address completion message, and, as a result the ACM 212 provides a voice path “cut-thru.”

Beauford does not disclose an optional backward call indicator being used at all. Beauford does not anticipate any of the pending claims. Withdrawal of the rejection of claims 1-3, 7-15, 28, 30 and 31 is kindly requested.

Claim Rejections – 35 USC § 103

The Examiner stated that claims 4, 21-27 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Beauford (US Patent Application Pub. # 20050094796). The Examiner stated claims 5, 6, 16-20 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beauford (US Patent Application Pub. # 2005/0094796) in view of DeMent et

al. (US Patent Application Pub. # 2005/0117726) (hereinafter DeMent). These rejections are respectfully traversed.

As noted above, each of the independent claims 1, 17, 20, 21, 28 and 32 recites a “backward call indicator parameter.” An obviousness type rejection under 35 U.S.C. §103(a) still requires that each of the features recited in the rejected claims be taught by the reference cited. Clearly, since Beauford fails to disclose a “backward call indicator parameter”, then Beauford cannot render such a feature obvious.

As for DeMent, Applicant has reviewed the disclosure of DeMent and can find no support for the features recited in the pending claims. DeMent does briefly mention that an ACM message may include an optional backward call indicator, however, there is no disclosure that “based on the IAM, receiving an address complete message (ACM) with an optional backward call indicator parameter at the MSC”, as recited in claim 1 and 17. There is also no disclosure of “providing a ring back tone from the first module based on the received optional backward call indicator”, as recited in claim 20, and, similarly recited in claims 21, 28 and 32.

Beauford does not render obvious any of the pending claims. Furthermore, Beauford in combination with DeMent does not disclose all of the features recited in the pending claims. Withdrawal of the rejection of claims 4-6, 16-27 and 29-32 is kindly requested.

CONCLUSION

For the above reasons, the foregoing amendment and response places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact the undersigned.

	Respectfully submitted,
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